



# International Encyclopaedia of Laws

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& international law*

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International Encyclopaedia of **LAWS**  
Edited by Prof. Dr. R. Blanpain  
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Your country-by-country library of national and international law

**It is vital for practitioners, in-house counsel and academics to have access to accurate, ready-to-use information on national and international law such as you'll find in the incomparable series of looseleaf publications *International Encyclopaedia of Laws*. This brochure describes twenty one of these titles, covering such areas as Labour Law and Industrial Relations, Contracts, Commercial and Economic Law, and Family and Succession Law.**

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With globalisation gaining pace, legal practitioners require practical information enabling them to identify critical issues likely to affect cross-border cases. An introduction to the legal framework within each country as well as an in-depth analysis of relevant legislation are therefore included in each set.

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Since April 2007 the IEL has a new website:  
<http://www.IELaws.com>.

The idea behind the new website is to have an "IEL Community" where all members can constantly and, above all, in a very simple way inform the others about legislation, events, news, and publications in their fields. The new website will be accompanied by a Newsletter which will be sent on a regular basis to all authors (more than 1200) and subscribers.

### **IEL Administration Department**

If you wish to contact the IEL Administration Department please send an email to Mr. Joeri Lauwers at [iel@cer-leuven.be](mailto:iel@cer-leuven.be)

Detailed information about each set in the *International Encyclopaedia of Laws* is included in this brochure. To order your copy of any of these publications, enter your choices in the order form at the back and mail or fax it to us. You can also call us or send an email; our telephone numbers and e-mail addresses can be found at the back of this brochure.

### **IELs on line**

In order to meet the needs as well as the requests of our readers some IELs are available on line at [www.kluwerlawonline.com](http://www.kluwerlawonline.com)



## Table of contents

<b>Introduction</b> .....	<b>5</b>
<b>International Advisory Board</b> .....	<b>6</b>
<b>I. Encyclopaedias</b>	
Civil Procedure .....	7
Commercial and Economic Law .....	9
Constitutional Law .....	10
Contracts .....	12
Corporations and Partnerships .....	14
Criminal Law .....	15
Cyber Law .....	16
Energy Law .....	18
Environmental Law .....	20
Family and Succession Law .....	22
Insurance Law .....	24
Intellectual Property .....	26
Intergovernmental Organizations .....	28
Labour Law and Industrial Relations .....	30
Media Law .....	32
Medical Law .....	34
Migration Law .....	36
Private International Law .....	38
Property and Trust Law .....	39
Social Security Law .....	40
Sports Law .....	42
Tort Law .....	44
Transport Law .....	46
<b>II. Forthcoming Encyclopaedias</b>	
Competition Law .....	48
Religion .....	50
<b>Order form</b> .....	<b>51</b>



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## International Encyclopaedia of Laws:

General Editor: Prof. Dr. Roger Blanpain

Associate General Editor: Prof. Dr. Michele Colucci

E-mail: [roger.blanpain@cer-leuven.be](mailto:roger.blanpain@cer-leuven.be)

E-mail: [info@colucci.eu](mailto:info@colucci.eu)

**What is the International Encyclopaedia of Laws?** This unique series of looseleaf publications currently comprises 21 distinct reference works. Each of these subsets is itself encyclopedic in nature, covering a major field of law with penetrating country-by-country monographs that describe how each national legal system governs the relevant field. These national monographs are supplemented where relevant with international monographs which detail the workings of supranational organizations that affect the field of law in question, or offer an overview of the field from a comparative perspective.

Alongside the national monographs, for some specific volumes, a codex containing national and international primary legislation has been included, as well as the most important relevant case law from international courts, such as the Court of Justice of the European Communities, in that particular field.

More than 1000 prominent legal practitioners in the various disciplines provide practical information and valuable insights into the legal framework and procedures specific to their country or international organization. Each monograph follows a uniform structure, and includes:

- detailed historical background
- an introduction to the legal framework
- in-depth analysis of relevant legislation.

Subject indexes at the end of each monograph provide a useful and timesaving reference aid. Furthermore, a detailed topical table of contents for each monograph facilitates country-to-country and subject-to-subject comparison across all 21 fields of law. A professor with specialized knowledge in the pertinent field edits each subset of the Encyclopaedia.

### National Monographs

When the *International Encyclopaedia of Laws* is completed, each subset will include approximately 50 national monographs of about 200-250 pages each. To aid comparison between countries, the monographs will follow a basic outline:

- **General Introduction:** background on the country and its history, followed by definitions and sources of law for the relevant legal discipline

- **Selected Bibliography.**

- **Main Body:** detailed analysis of relevant legal institutions, legislation, and procedure, set out in a consistent format to facilitate comparison between countries

- **Index.**

### International Monographs

Because international law supersedes national law in many areas, some subsets also include international monographs. These are written by lawyers who work in the supranational organizations they describe – organizations such as the European Union, the International Labour Organization, the Organisation for Economic Co-Operation and Development, the League of Arab States, the Council of Europe, the World Health Organization, and the International Maritime Organization. In addition, the *Intergovernmental Organizations* subset, when complete, will detail the institutional and legal position of some 55 organizations.

The 23 fields of law currently covered by the *International Encyclopaedia of Laws* are:

Civil Procedure  
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Constitutional Law  
Contracts  
Corporations and Partnerships  
Criminal Law  
Cyber Law  
Energy Law  
Environmental Law  
Family and Succession Law  
Insurance Law  
Intellectual Property  
Intergovernmental Organizations  
Labour Law and Industrial Relations (including European Works Council)  
Media Law  
Medical Law  
Migration Law  
Private International Law  
Property and Trust Law  
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Sports Law  
Tort Law  
Transport Law



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E-mail: [roger.blanpain@cer-leuven.be](mailto:roger.blanpain@cer-leuven.be)  
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## International Encyclopaedia of Laws

# Civil Procedure

Editor: Prof. Dr. Piet Taelman

Assistant: Kim Devolder

Two major legal trends of recent decades have brought civil procedure within the purview of comparative law. First, the complex international legal relationships created by supranational and intergovernmental organizations often require practitioners to be familiar with legal procedures in other countries. Second, international treaties and EU Regulations have encouraged the harmonization of procedural rules across national jurisdictions.

The **Civil Procedure** volumes of the *International Encyclopaedia of Laws* provide in-depth descriptions and analysis of numerous domestic systems, guiding lawyers of differing legal backgrounds through foreign proceedings with which they and their clients may be confronted.

National monographs describe the main features of each country's judicial organization, the rules governing the jurisdiction of the courts, the actual court proceedings, the rules of evidence, the principles governing preliminary seizure and the enforcement of judgments, and some elements of national arbitration.

In addition, a forthcoming EU monograph analyses the Regulation 44/2001, as well as the Conventions of Lugano and San Sebastian. An international monograph will deal with international multi-lateral treaties.

Each monograph follows a uniform structure and includes information on the political and legal system of the country and comprehensively analysis of relevant procedural law legislation and practice.

A subject index at the end of each monograph provides a useful and timesaving reference aid. Furthermore, a detailed topical table of contents for each monograph facilitates country-to-country and subject-to-subject comparison.

E-mail: [piet.taelman@ugent.be](mailto:piet.taelman@ugent.be)

E-mail: [kim.devolder@ugent.be](mailto:kim.devolder@ugent.be)

Each national monograph contains the following:

List of Abbreviations. Preface. General Introduction. Selected Bibliography.

### **Part I: Judicial Organization.**

1. The Courts and Their Members.
2. The Bar.
3. The Bailiffs.

### **Part II: Jurisdiction.**

1. Domestic Jurisdiction.
2. International Jurisdiction.

### **Part III: Actions and Claims.**

1. Actions.
2. Claims and Defences.
3. Sanctions on Procedural Irregularities.

### **Part IV: Proceedings.**

1. Pre-Trial Proceedings (if any).
2. Proceedings in First Instance.
3. Review Proceedings.

### **Part V: Incidents.**

### **Part VI: Legal Aid and Legal Costs.**

1. Legal Aid.
2. Legal Costs.

### **Part VII: Evidence.**

1. Burden of Proof.
2. Admissibility of Evidence.
3. Administration of Evidence.

### **Part VIII: Particular Proceedings.**

### **Part IX: Seizure for Security and Enforcement of Judgements.**

1. Seizure for Security.
2. Enforcement of Judgements.

### **Part X: Arbitration.**

### **Part XI: Mediation.**

### **Index.**



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International Encyclopaedia of Laws

## Civil Procedure continued

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International Encyclopaedia of Laws

## Commercial and Economic Law

Editor: Prof. Dr. Jules Stuyck

Editor: Prof. Evelyne Terryn

E-mail: [jules.stuyck@law.kuleuven.be](mailto:jules.stuyck@law.kuleuven.be)

E-mail: [evelyne.terryn@law.kuleuven.be](mailto:evelyne.terryn@law.kuleuven.be)

In the pursuit or contemplation of international commercial activities, numerous questions of law arise. These volumes in the *International Encyclopaedia of Laws* answer these questions in a single resource.

'Commercial law' covers merchants' status and obligations (such as bookkeeping), their bankruptcy, and their instruments for business. 'Economic law', a relatively new legal branch, deals with state intervention in economic activities and includes law of establishment, law of competition, and state regulation of conditions of commercial transactions. Specific topics covered in this work include broker/client relations, contracts affecting competition, and government taxation incentives for economic activities.

This concise work provides a regularly updated source of key information, written by experts in the field, at both the national and international levels. It is therefore an invaluable resource for both academics and practitioners.

Each monograph follows the outline below:

List of Abbreviations. Preface. General Introduction. Selected Bibliography.

### Part I: Commercial Law.

1. Concepts and Sources of Commercial Law.
2. The Economic Operators.
3. The Economic Institutions.
4. General Obligations of Economic Operators.
5. Business Assets, Goodwill and Commercial Property Rights.
6. Bankruptcy and Related Institutions.
7. Negotiable Instruments (Bills of Exchange, Cheques, etc.).
8. Stock and Commodity Exchanges.
9. Commercial Contracts.
10. Commercial Securities.

### Part II: Economic Law.

1. General Principles.
2. Law of Establishment and Supervision of Economic Activities.
3. State Incentives for Economic Activities.
4. Competition Law.
5. State Regulation of the Conditions of Commercial Transactions.

**Index.**

### Current Contents

**FRONT MATTER:** International Advisory Board; Encyclopaedias and Editors; Introducing the International Encyclopaedia of Laws; Curriculum Vitae of the General Editor

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International Encyclopaedia of Laws

## Constitutional Law

Editor: Prof. Dr. André Alen

Editor: Dr. David Haljan

This set of volumes in the *International Encyclopaedia of Laws* presents a country-by-country survey of constitutional law throughout the world, and is also in the process of publishing, in one source, all of the constitutions of the world in English translations.

Each national monograph includes detailed information of the country's political system, historical background, sources of constitutional law, form of government (outlining the legal status, the competence and the working of central state powers, etc.), state form and subdivisions of the state, component states and decentralized authorities, citizenship (especially nationality and the legal position of aliens), and specific problems such as foreign relations, taxing and spending power, emergency laws, the power of the military, and the constitutional relation between Church and State.

So far, the constitutions of 30 countries are reproduced in full.

Each monograph follows the outline below:

Introduction. The Authors. Table of Contents. List of Abbreviations. Preface. General Introduction. Selected Bibliography.

### **Part I: Sources of Constitutional Law (Notion and Hierarchy).**

1. Treaties.
2. Constitution.
3. Legislation and Equivalent Legislative Rules.
4. Jurisprudence.
5. Customary Law, Unwritten Law, General Principles of Law.
6. Administrative Regulations and Orders.
7. Codification, Interpretation and Publication.

### **Part II: Form of Government.**

1. General.
2. Head of State.
3. The Legislature.
4. The Executive.
5. The Judiciary.
6. Independent Non-political Bodies in the Legislative or Executive Branch with an Advisory or Supervisory Task.

### **Part III: The State and its Subdivisions.**

1. State Form.
2. Component States or Entities.
3. Decentralized Authorities.

E-mail: [andre.alen@law.kuleuven.be](mailto:andre.alen@law.kuleuven.be)

E-mail: [david.haljan@law.kuleuven.be](mailto:david.haljan@law.kuleuven.be)

### **Part IV: Citizenship and the Administration of Justice.**

1. Rules Concerning Nationality and Relevance of Nationality.
2. Fundamental Rights and Liberties.
3. Constitutional Problems of Minorities.
4. Judicial Control of Administrative Action.
5. Legal Position of Aliens.

### **Part V: Specific Problems.**

1. War, Treaty, and Foreign Affairs Powers.
2. Taxing and Spending Power.
3. Emergency Laws.
4. The Power of the Military.
5. The Constitutional Relationship Between Church and State.

### **Index.**

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(Edited by Prof. G.A. Tarr and Prof. R.F. Williams)

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Editor: Prof. Dr. Jacques H. Herbots

E-mail: [jherbots2002@yahoo.com](mailto:jherbots2002@yahoo.com)

Contracts seal the fate of international transactions. Whether they stand on firm legal ground may hinge upon a minute detail. The **Contracts** subset of the *International Encyclopaedia of Laws* sheds light on 'the fine print' in the world of contracts, helping assure the viability (or probe the non-viability) of these detail-oriented instruments.

**Contracts** encompass the national monographs of a wide variety of countries, written by experts from those countries. Each national monograph is divided into two parts: the first addresses the general principles at issue, and the second covers the specific types of contract. The work also addresses international aspects of contract law.

The succinct yet scholarly quality of this resource and the practicality of the information provided make it a valuable timesaving tool for business and legal professionals. **Contracts** contains information investors need in order to make adequate decisions while negotiating and concluding contracts with foreign partners and clients and when legal difficulties arise while performing the contract. The updated supplements assure a library that its resources will remain current on changes to legislation and policy in jurisdictions worldwide.

For each jurisdiction the work provides:

List of Abbreviations. Preface. General Introduction. Introduction to the Law of Contracts. Selected Bibliography.

### Part I: General Principles of the Law of Contract.

1. Formation.
2. Conditions of Substantive Validity.
3. The Contents of a Contract.
4. Privity of Contract.
5. The Termination of the Contract.
6. Remedies.

### Part II: Specific Contracts.

1. Agency.
2. Bailment.
3. Gaming and Wagering.
4. Sale of Goods.
5. Building Contracts, Hire of Work and Skills.
6. Lease, Commercial and Agricultural Leases.
7. Compromise Settlement.
8. Suretyship.
9. Pledge.

10. Loans.

11. Contracts with the Government and Other Public Administrations.

12. Contract of Partnership.

13. Quasi-Contracts.

### Index.

### Current Contents

FRONT MATTER: International Advisory Board; Encyclopaedias and Editors; Introducing the International Encyclopaedia of Laws; Curriculum Vitae of the General Editor

GENERAL SECTION: List of Contributors; Introducing the International Encyclopaedia of Commercial and Economic Law; Curriculum Vitae of the Editor

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International Encyclopaedia of Laws

## Corporations and Partnerships

Editor: Prof. Dr. Koen Geens

Assistant: Carl Clottens

E-mail: [koen.geens@law.kuleuven.be](mailto:koen.geens@law.kuleuven.be)

E-mail: [carl.clottens@law.kuleuven.be](mailto:carl.clottens@law.kuleuven.be)

The increase in European Community (EC) memberships and the steady evolution of the harmonisation process means that international business opportunities are also on the rise.

This convenient resource provides quick and easy guidance on a variety of corporate and partnership considerations that arise in international business, such as mergers, rights and duties of interested parties, stock exchange directives, labour laws, and takeovers.

**Corporations and Partnerships** puts the information necessary for corporations to compete effectively in the shifting global market at the user's fingertips. Through updated supplements, this resource is able to address additional areas of concern as they arise, making it an important and practical tool for business executives and their legal counsel interested in engaging in an international partnership or embarking on corporate expansion into established or newly emerging markets.

For each jurisdiction the work provides:

List of Abbreviations. Preface. General Introduction. Selected Bibliography.

### Part I: Corporations / Companies.

1. Big Corporation – Public Corporation – Share Company.
2. Closed Corporation – Private Company – Limited Liability Company.

### Part II: Partnerships.

1. Different Types.

### Index.

### Current Contents

FRONT MATTER: International Advisory Board; Encyclopaedias and Editors; Introducing the International Encyclopaedia of Laws; Curriculum Vitae of the General Editor.

GENERAL SECTION: List of Contributors; Introducing the International Encyclopaedia of Corporations and Partnerships; Curriculum Vitae of the Editor.

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International Encyclopaedia of Laws

## Criminal Law

Editor: Prof. Dr. Frank Verbruggen

Assistant: Vanessa Franssen

The national monographs in this subset of the *International Encyclopaedia of Laws* provide a general insight into criminal law and procedure in different countries. For each country, an introduction presents the requisite background knowledge for understanding the principles of criminal justice, and then proceeds to a detailed examination of substantive criminal law – its general principles, the principles of criminal responsibility or liability, and the grounds for the justification of criminal offences. A third part is focused upon criminal procedure in each country: the general characteristics of the procedure, the organization of investigation, pre-trial proceedings, trial stage and appeals. A final part covers the execution and extinction of the sanctions.

Forthcoming international monographs will relate to the European Convention on Human Rights, the jurisprudence of the European Court and the European Commission of Human Rights, the mutual assistance treaties in criminal matters, and the criminal law aspects of the European Union.

Each monograph follows the outline below.

Introduction. The Authors. Table of Contents. List of Abbreviations. Preface. General Introduction. Selected Bibliography.

### Part I: Substantive Criminal Law.

1. General Principles.
2. Scope of Application of Criminal Statutes.
3. General Principles of Criminal Liability.
4. Justification, Excuse and Other Grounds of Impunity.
5. Incomplete or Partly Perpetrated Criminal Offences.
6. Classification and Survey of Criminal Offences.
7. The Sanctioning System.

### Part II: Criminal Procedure.

1. Principles, Institutions, Stages.
2. Powers, Rights and Duties in the Pre-Trial Proceedings.
3. The Inquiry in Court.

### Part III: Execution and Extinction of Sanctions.

1. Sources of Penitentiary Law and Nature of Regulations.
2. General Principles Concerning the Execution of Sentences and Orders.
3. The Prison System.
4. Extinction of Sanctions or Sentences.

### General Conclusions.

### Index.

E-mail: [frank.verbruggen@law.kuleuven.be](mailto:frank.verbruggen@law.kuleuven.be)

E-mail: [vanessa.franssen@law.kuleuven.be](mailto:vanessa.franssen@law.kuleuven.be)

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International Encyclopaedia of Laws

## Cyber Law

Editor: Prof. Dr. Jos Dumortier

Assistant: Aleksandra Kuczerawy

The introduction of new digital information and communications technologies has given birth to a new legal domain, commonly called Information and Communication Technology Law or - more fashionable - "Cyber Law".

Electronic commerce has led to specific legal problems, for example with regard to evidence, liability, consumer protection or payment. The convergence between broadcasting, telecommunications and digital information technology has created a new platform for public information with all the related legal issues.

Practically every country in the world has issued specific legislation or developed case law in this area. The domain has acquired sufficient stability to fit into a common structure. A logical consequence of this evolution is the publication of an *International Encyclopaedia of Cyber Law*.

The *Encyclopaedia* consists primarily in a series of national monographs, treating the different legal subjects related to information and communication technology on the basis of a common standard outline. The outline contains, besides a general introduction, seven main parts:

- Regulation of the ICT Market
- Protection of Intellectual Property in the ICT Sector
- ICT Contracts
- Electronic Transactions
- Non-Contractual Liability
- Privacy Protection
- Computer-Related Crime.

Besides the national monographs, this *Encyclopaedia* contains also monographs on supranational and international cyber law issues. Examples are the monographs on European Union Cyber Law or on International and Global Telecommunications Law. The *Encyclopaedia* provides further an International Cyber Law Codex with important international texts in this field. The initial volume of the *Encyclopaedia* contains information about the cyber laws in Australia and Hong Kong, however other countries will be incorporated as the *Encyclopaedia* matures.

For each country covered the work provides:

The Author. Table of Contents. List of Abbreviations. Preface. General Introduction.

### **Part I. Regulation of the ICT Market.**

1. Regulatory Framework of the Telecommunications Sector.

E-mail: [jos.dumortier@law.kuleuven.be](mailto:jos.dumortier@law.kuleuven.be)

E-mail: [Aleksandra.Kuczerawy@law.kuleuven.be](mailto:Aleksandra.Kuczerawy@law.kuleuven.be)

2. Regulation of Competition in the ICT Market.
3. Regulation of Cryptography and other Dual Use Goods.
4. Legal Status of Standardization.
5. Legal Status of Out-of-Court Dispute Settlement in the ICT Sector.

### **Part II. Protection of Intellectual Property in the ICT Sector.**

1. Application of Copyright in the Area of ICT.
2. Legal Protection of Software.
3. Legal Protection of Databases.
4. Legal Protection of Computer Chips.
5. Other Intellectual Property Rights in the ICT Sector.
6. Internet Domain Name Registration.

### **Part III. ICT Contracts.**

1. Hardware Contracts.
2. Software Contracts.
3. Turnkey Contracts.
4. Distribution Agreements.
5. Maintenance Contracts.
6. Facilities Management.
7. Network Services.
8. Government Contracts.

### **Part IV. Electronic Transactions.**

1. Legal Status of Electronic Transactions.
2. Regulation of Electronic Signatures and Certification Services.
3. Legal Aspects of Electronic Banking.
4. Protection of Users of Electronic Services.

### **Part V. Non-Contractual Liability.**

1. Negligence.
2. Liability of Network Operators.
3. Liability of Service Providers.
4. Product Liability.

### **Part VI. Privacy Protection.**

1. Regulation of Personal Data Processing.
2. Protection of Telecommunications Privacy.

### **Part VII. Computer Related Crime.**

1. General legal development.
2. Application of Substantive Criminal Law in the Area of ICT.
3. Application of Criminal Procedure Law in the Area of ICT.

### **Conclusions.**

### **Index.**



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International Encyclopaedia of Laws

## Energy Law

Editor: Prof. Dr. Kurt Deketelaere

Assistant-Editor: Bram Delvaux

The complex law surrounding energy production and the exploitation of natural resources has reached the legal foreground both nationally and internationally. Due in large part to the liberalisation wave but principally to the environmental dimension of energy production numerous countries in recent years have enacted new legislation concerning nuclear power generation, the use of non-renewable resources, transportation of hazardous materials, and other issues raised by energy production processes.

Other branches of law have inevitably become bound up with energy law, making it difficult for the legal practitioner to gain a clear appreciation of the entire field, especially in a transnational context.

This subset of the *International Encyclopaedia of Laws* covers national and international energy law. Each national monograph contains a general introduction, a description of the country's energy legislation, an overview of the basic principles of energy law, the historical background, the role of governmental institutions, and the sources of energy law in that country's legal system.

Each country's regulatory framework concerning electricity, gas, petrol and coal is fully set forth, with emphasis on the aspects of production, exploitation, transport, distribution, and consumption. Each monograph also deals with the interactions of energy law with environmental law, tax law and competition law. In addition, **Energy Law** includes international monographs covering international legislation and treaties and the energy law of the European Union.

For each country covered in a national monograph the work provides:

The Author. Table of Contents. List of Abbreviations. Preface. Introduction. Selected Bibliography

### Part I. Regulatory Framework Concerning Electricity.

1. Production.
2. Exploitation.
3. Transport.
4. Distribution.
5. Consumption.

### Part II. Regulatory Framework Concerning Gas.

1. Production.
2. Exploitation.

E-mail: [kurt.deketelaere@law.kuleuven.be](mailto:kurt.deketelaere@law.kuleuven.be)

E-mail: [bram.delvaux@law.kuleuven.be](mailto:bram.delvaux@law.kuleuven.be)

3. Transport.
4. Distribution.
5. Consumption.

### Part III. Regulatory Framework Concerning Petrol

1. Production.
2. Exploitation.
3. Transport.
4. Distribution.
5. Consumption.

### Part IV. Regulatory Framework Concerning Coal

1. Production.
2. Exploitation.
3. Transport.
4. Distribution.
5. Consumption.

### Part V. Interaction between Energy Law and Environmental Law

### Part VI. Interaction between Energy Law and Tax Law

### Part VII. Interaction between Energy Law and Competition Law

### Conclusions.

### Index.

### Current Contents:

FRONT MATTER: International Advisory Board; Encyclopaedias and Editors; Introducing the International Encyclopaedia of Laws; Curriculum Vitae of the General Editor

GENERAL SECTION: List of Contributors; Introducing the International Encyclopaedia of Energy Law; Curriculum Vitae of the Editors

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International Encyclopaedia of Laws

## Environmental Law

Editor: Prof. Dr. Kurt Deketelaere

E-mail: [kurt.deketelaere@law.kuleuven.be](mailto:kurt.deketelaere@law.kuleuven.be)

This set in the *International Encyclopaedia of Laws* covers national and international environmental law. National monographs contain, besides a general introduction, a description of the country's environmental legislation, an overview of the basic principles of environmental law, the historical background, the role of governmental institutions, and the sources of environmental law. Other subjects covered for each country include pollution control legislation, nature and conservation management, zoning and land-use planning, liability questions, and judicial remedies. In addition, international monographs cover international legislation and treaties and the environmental legislation of the European Economic Community.

Each monograph follows the outline below.

The Authors. Table of Contents. Preface. Introduction. Selected Bibliography.

### Part I: Pollution Control.

1. General Law.
2. Air Pollution.
3. Water Pollution.
4. Waste.
5. Soil Pollution.
6. Noise Pollution.
7. Radiation and Vibrations (Nuclear and Non-Nuclear).
8. Other Sectors.

### Part II: Nature Conservation and Management.

1. Monuments and Landscapes.
2. Parks and Reserves.
3. Wildlife Protection.
4. Agricultural Resources.
5. Forests.
6. Fish Resources.
7. Subsoil and Minerals.
8. Other Sectors.

### Part III: Zoning and Land-Use Planning.

### Part IV: Liability Questions.

### Part V: Juridical Actions of Individuals.

1. Administrative Remedies.
2. Judicial Remedies.

### Index.

### Current Contents

**FRONT MATTER:** International Advisory Board; Encyclopaedias and Editors; Introducing the International Encyclopaedia of Laws; Curriculum Vitae of the General Editor.

**GENERAL SECTION:** List of Contributors; Introducing the International Encyclopaedia of Environmental Law; Curriculum Vitae of the Editor; Curriculum Vitae of the Editor's Assistant.

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International Encyclopaedia of Laws

## Family and Succession Law

Editor: Prof. Dr. Walter Pintens

E-mail: [walter.pintens@law.kuleuven.be](mailto:walter.pintens@law.kuleuven.be)

**Family and succession law** are tightly bound together. Succession law is usually based on kindred relationships as established by family law. The trends established in the marital property laws and succession laws are often a result of developments in family law. Equality of spouses and of all children, regardless of their descent, is not without consequences for marital property laws and succession law. Therefore, this comprehensive comparative looseleaf set covers family law together with marital property law and succession law.

This unique loose leaf publication comprises alongside the national and international monographs the most important European and international regulations, as well as the most important case law from international Courts.

More than 30 prominent legal scholars and practitioners provide practical information and valuable insights into the legal framework and procedures specific to their country or international organisation.

The national monographs are written to a standard outline. However, this standard outline is not always followed due to great differences which exist in the family laws of many legal systems.

Besides the national monographs, this Encyclopaedia also includes international monographs describing the activities of several international organisations in the domain of family and succession law, such as the Council of Europe, the European Union and the International Commission on Civil Status.

Although this Encyclopaedia has primarily academic aspirations, practical information is given as much as possible, and only essential references are included as footnotes.

This Encyclopaedia stimulates comparative studies by providing the necessary, basic material of family and succession law.

A subject index at the end of each monograph provides a useful and timesaving reference aid. Furthermore, detailed topical table of contents for each monograph facilitates country-to-country and subject-to-subject comparison.

For each jurisdiction the work provides:

Preface. The Authors. Table of Contents. General Introduction. Selected Bibliography.

### **Part I: Persons.**

1. Status of a person.
2. Registrations of civil status.
3. Personality rights.
4. Acquisition and changing names.
5. Nationality.
6. Domicile and residence.
7. Mentally handicapped persons.

### **Part II: Family Law.**

1. Marriage.
2. Divorce.
3. Cohabitation without marriage.
4. Filiation.
5. Adoption
6. Parental authority.
7. Guardianship.
8. Kinship and relationships of affinity.

### **Part III: Matrimonial Property Law.**

1. Matrimonial Property.
2. The marriage settlement.
3. The legal matrimonial regime.
4. Conventional matrimonial regimes .

### **Part IV: Succession Law.**

1. Intestate succession.
2. Testamentary succession.
3. Acts inter vivos related to the estate.
4. Acquisition and administration of the estate.

### **Index.**



International Encyclopaedia of Laws

## Family and Succession Law continued

### Current Contents

**FRONT MATTER:** International Advisory Board; Encyclopaedias and Editors; Introducing the International Encyclopaedia of Laws; Curriculum Vitae of the General Editor.

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International Encyclopaedia of Laws

## Insurance Law

Editor: Prof. Dr. Herman Cousy

E-mail: [herman.cousy@law.kuleuven.be](mailto:herman.cousy@law.kuleuven.be)

**Insurance Law** is an in-depth updated reference source concerning all aspects of insurance law in the industrialized countries of the world. Using the same comprehensive format as the other *International Encyclopaedia of Laws* publications, this set on insurance law includes general background information and specific country law in each national monograph.

In addition to national monographs, **Insurance Law** contains a Codex with the basic legislation, which the European Union, the European Economic Area and the Swiss Confederation have adopted with regard to private insurance. Forthcoming international monographs will examine European Community Insurance as well as the roles of prominent associations such as AIDA (Association Internationale de Droit des Assurances), BIPAR (Bureau International des Producteurs d'Assurances et de Réassurances) and C.E.A. (Comité Européen des Assurances).

For each country covered in a national monograph the work provides:

List of Abbreviations. Preface. General Introduction.  
Selected Bibliography.

### **Part I: The Insurance Company.**

1. The Insurance Company: Its Form.
2. Access to Business.
3. Supervision.
4. Technical Reserves and Investments.
5. Accountancy.
6. Taxation of the Company.

### **Part II: The Insurance Contract – General.**

1. Generalities.
2. Insurable Risk.
3. Formation of the Insurance Contract.
4. Obligations of the Insured.
5. Obligations of the Insurer.
6. Insurance and Third Parties.
7. Termination of the Insurance Contract.

### **Part III: Property and Liability Insurance.**

1. Fire Insurance.
2. Loss of Benefits Insurance.
3. Transport Insurance.
4. Liability Insurance.
5. Motor Vehicle Insurance (Pro Memoria).
6. Legal Aid Insurance.
7. Aviation and Space Insurance.
8. Theft and Embezzlement Insurance.
9. Agricultural Insurance, Hail Insurance, Livestock Insurance.
10. Catastrophe Insurance.
11. Credit and Caution Insurance.
12. Technical Insurance.
13. Miscellaneous Insurance.

### **Part IV: Motor Vehicle Insurance.**

### **Part V: Insurance of the Person.**

1. Workmen's Compensation and Occupational Disease.
2. Bodily Injuries.
3. Private Health Insurance.
4. Life Insurance.
5. Pension Funds.

### **Part VI: Private Insurance – Social Security.**

### **Part VII: Insurance Intermediaries.**

1. Law of Establishment and Supervision.
2. Insurance Intermediaries and the Insurance Contract.

### **Part VIII: Reinsurance, Co-Insurance, Pooling.**

### **Part IX: Taxation of Insurance.**

### **Part X: Risk Management and Prevention.**

### **Index.**



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International Encyclopaedia of Laws

## Insurance Law continued

### Current Contents

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International Encyclopaedia of Laws

## Intellectual Property

Editor: Prof. Dr. Hendrik Vanhees

E-mail: [hendrik.vanhees@skynet.be](mailto:hendrik.vanhees@skynet.be)

Written by national experts in their field, **Intellectual Property** provides an overview of all the pertinent information on intellectual property needed to gain a clear comprehension of the legislation and policy on the subject in different countries. This is the only publication in its field which analyses and describes theory and practice in a large number of countries. Information is also provided on all major and important international conventions and on international bodies like the EU and WIPO/OMPI. It follows the same comprehensive formula as the other volumes and subsets in the *International Encyclopaedia of Laws* and as such allows easy comparison between various countries.

The monographs are regularly updated and provide effective insights into national and international systems. Legal practitioners, academics, students, government officials and business people will find here all the information and insight they need to confidently resolve issues related to law and policy in any branch of intellectual property.

General Structure of the Encyclopaedia:

### Part I: The European Community

1. The European Community and intellectual property.
2. Intellectual property and free movement.
3. Intellectual property and the competition rules.

### Part II: International Conventions

1. The Paris Convention for the protection of industrial property.
2. Copyright and neighbouring rights
3. Patents.
4. Trademarks.
5. Industrial designs.
6. Plant variety protection.
7. Chip protection.
8. TRIPS-agreement.

### Part III: National Monographs

Table of contents List of abbreviations Preface

#### General Introduction

1. Copyright and Neighbouring Rights.
2. Patents.
3. Utility Models.
4. Trademarks.
5. Tradenames.
6. Industrial Designs.

7. Plant Variety Protection.
  8. Chip Protection.
  9. Trade Secrets / Confidential Information.
  10. Geographical indications and appellations of origin.
- Index.**

#### Current Contents

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International Encyclopaedia of Laws

## Intergovernmental Organisations

Editor: Prof. Dr. Jan Wouters

Assistant: Pierre Schmitt

E-mail: [jan.wouters@law.kuleuven.be](mailto:jan.wouters@law.kuleuven.be)

E-mail: [pierre.schmitt@law.kuleuven.be](mailto:pierre.schmitt@law.kuleuven.be)

The world is getting smaller and increasingly interdependent every day. As a result, national and regional developments are, as a matter of necessity, seen in a global framework. States want to preserve their independence but they are confronted with a growing list of problems, which they can only solve in co-operation with others. The sheer scale of the issues at stake calls for an institutional framework to give that co-operation a more permanent structure.

Hence, decisions taken at the national level and results of intergovernmental co-operation have become closely intertwined. It is therefore appropriate in the framework of the *International Encyclopaedia of Laws* to make accessible comprehensive, substantial and readily available information on the most important Intergovernmental Organizations (IGOs), given their importance for the development of international law and intergovernmental co-operation in general. The fundamental changes taking place nowadays at an incredible pace within IGOs render it all the more necessary to put this information within easy reach.

**Intergovernmental Organizations**, currently comprises monographs on 24 organizations (AU, UN, ILO, IMF, WHO, IAEA, WMO, OPCW, IFC, NATO, OSCE, EEA/EFTA, NAFTA, EIB, ESA, ASEAN, MIGA, Andean Common Market, OAS, Asian Development Bank, UNICJRI, ICCS, CEPES, UNIDROIT) and will soon include monographs on other important organizations, such as EU, WTO, Mercosur, ICAO, Council of Europe, WIPO, Benelux, World Bank, BIS, Interpol, IOM, OECD (incl. NEA), OIC, COMESA and SADC. Its purpose is to cover all significant global and regional intergovernmental organizations and bodies. A collection of source materials (fundamental treaties, constitutive acts and relevant international case-law) complements the collection.

Written by the best experts in the field Intergovernmental Organizations offers valuable and practical inside information and is updated regularly.

Each monograph follows the outline below.

1. Genesis and historical development.
2. Constitutional Treat(y/ies) / Document(s) (incl. interpretation interpretation & amendment).
3. Institutional Framework.
  - a. Objectives and competences

- b. Legal status (incl. legal personality & privileges and immunities)
- c. Membership
- d. Organs (composition, competences, ...)
- e. Decisions (decision-making, legal nature, publication, enforcement)
- f. Dispute settlement.
- g. Financing
4. Activities (incl. publications).
5. External relations (incl. treaty-making powers and relations with other organizations).

Subject Index.

Short Bibliography.

### Current Contents

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**GENERAL SECTION:** List of Contributors; Introducing the International Encyclopaedia of Intergovernmental Organizations; Curriculum Vitae of the General Editors.

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and Prof. Dr. M. Colucci

IEL website: [www.IELaws.com](http://www.IELaws.com)

International Encyclopaedia of Laws

## Labour Law and Industrial Relations

Editor: Prof. Dr. Roger Blanpain

E-mail: [roger.blanpain@cer-leuven.be](mailto:roger.blanpain@cer-leuven.be)

The *International Encyclopaedia of Labour Law and Industrial Relations* is the only comprehensive and concise source of information on labour law and industrial issues covering more than 50 important countries and all the major international bodies like the International Labour Organisation, NAFTA, the EU, the OECD, by way of national and international monographs of 200 pages and more.

This unique looseleaf publication comprises alongside the national and international monographs a codex containing national and international primary legislation well as the most important relevant case law from international courts, such as the Court of Justice of the European Communities.

More than 150 prominent legal scholars and practitioners provide practical information and valuable insights into the legal framework and procedures specific to their country or international organization. Each monograph follows a uniform structure, and includes:

- detailed historical background;
- an introduction to the legal framework; and,
- in-depth analysis of relevant labour law legislation and practice.

A subject index at the end of each monograph provides a useful and timesaving reference aid. Furthermore, a detailed topical table of contents for each monograph facilitates country-to-country and subject-to-subject comparison. Each national monograph contains the following:

Table of contents. List of abbreviations. Preface. General Introduction. Selected Bibliography.

### Part I. The Individual Employment Relation.

1. Definition and concepts.
2. Rights and duties of the parties during the employment.
3. Working time, annual vacations, holidays (including overtime and Sunday duty).
4. Remuneration and benefits (minimum wages; various protective measures).
5. Incapacity to work (illness, accidents at work, military service).
6. Job security.
7. Protection of certain categories of workers, protection against discrimination in employment.

8. Covenants of non-competition.
9. Inventions by employees.
10. Settlement of disputes.

### Part II. Collective Labour Relations.

1. Trade union freedom.
2. Trade unions and employers' associations.
3. Institutionalized relations between employers and employees.
4. Collective bargaining.
5. Strikes, lock-outs and other legal forms of industrial action.
6. Settlement of industrial disputes and protection of vital needs.

### Index

### Current Contents

GENERAL SECTION: List of Contributors; Introducing the Encyclopaedia; Curriculum Vitae of the Editor in Chief

### INTERNATIONAL MONOGRAPHS:

**Andean Common Market**, by Héctor Maldonado Lira, Luis Aparicio Valdez, Anna Vilela Espinosa.

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International Encyclopaedia of Laws

## Media Law

Editor: Prof. Dr. Peggy Valcke

Assistant-Editor: Dr. Eva Lievens

E-mail: [peggy.valcke@law.kuleuven.be](mailto:peggy.valcke@law.kuleuven.be)

E-mail: [eva.lievens@law.kuleuven.be](mailto:eva.lievens@law.kuleuven.be)

The IE for Media Law intends to offer a country-by-country survey of media law throughout the world. It will survey each country's media landscape and analyse the laws governing press freedom, including those concerning access to information, defamation and privacy. Each national monograph will outline the regulatory structures controlling print and electronic media (radio and television, but also new media, like online and mobile services) in these countries. Legal acts, case law, as well as ethical codes used by journalists, will be presented and analysed.

Among the key issues to be covered are: digitalisation, convergence, the 'Information Society', cultural policy, freedom of speech, media concentration and pluralism, protection of minors, hate speech, the regulation of broadcasting and electronic communications markets, advertising rules, co- and self-regulation in online and mobile media, public service broadcasting, competition policy, access to digital gateways, standardisation and interoperability, liability of intermediaries.

These issues will be addressed by describing the relevant legal rules in a thematic, logical and concise manner from a practitioner's viewpoint, offering media lawyers, journalists, attorneys, judges, teachers, students and others concerned with media and communication freedom a practical tool to access existing media law in a certain jurisdiction.

An international monograph will cover the freedom of speech provisions in various international treaties, thereby focussing on Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. It will also offer an overview and description of the relevant conventions, declarations, recommendations and resolutions issued throughout the years by the Council of Europe (dealing with media pluralism, public broadcasting, journalistic sources, etc.). This monograph will also include a chapter dealing with the EU regulatory framework for audiovisual media (in particular the Television without Frontiers Directive, soon to be replaced by the Audiovisual Media Services Directive), against the background of the economic freedoms in the EC Treaty, as well as the relevant articles in the EU Charter of Fundamental Rights.

Each monograph will offer a comprehensive and clear overview of relevant legislation, case law and doctrine, and will hence constitute an invaluable reference source and easy-to-follow guide.

### INTERNATIONAL MONOGRAPH

#### I. International Conventions

Chapter 1. Universal Declaration of Human Rights (1948), Article 19

Chapter 2. International Covenant on Civil and Political Rights (1966), Article 19

#### II. Council of Europe

Chapter 1. The European Convention for the Protection of Human Rights and Fundamental Freedoms (Art. 10)

Chapter 2. European Convention on Transfrontier Television  
Chapter 3. Committee of Ministers' Declarations, Recommendations and Resolutions

Chapter 4. Parliamentary Assembly Recommendations and Resolutions

#### III. European Union

Chapter 1. Charter of fundamental rights of the European Union

Chapter 2. Media and economic freedoms in the EC Treaty

Chapter 3. Media and the competition rules

Chapter 4. Secondary legislation

1. Television without Frontiers Directive

2. Other

### NATIONAL MONOGRAPH

Introduction. The media landscape and trends

Chapter 1. Constitutional provisions relating to media (freedom of speech)

Chapter 2. Regulation of the press (journalists)

Chapter 3. Regulation of the broadcasting sector

1. Radio, television and new electronic media (like the Internet)

a. Categories

b. Licensing requirements

2. Advertising rules

3. Protection of minors

4. Human dignity

5. Right to information (short reporting, events list)

Chapter 4. Cross ownership

Chapter 5. Institutional aspects (media regulator)



International Encyclopaedia of Laws

## **Media Law continued**

### **Current Contents**

**FRONT MATTER:** International Advisory Board; Encyclopaedias and Editors; Introducing the International Encyclopaedia of Laws; Curriculum Vitae of the General Editor.

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International Encyclopaedia of Laws

## Medical Law

Editor: Prof. Dr. Herman Nys

E-mail: [herman.nys@med.kuleuven.be](mailto:herman.nys@med.kuleuven.be)

Relating to the practice of medicine in the large sense, this subset of the *International Encyclopaedia of Laws* covers national and international medical law. Each national monograph contains, besides a general introduction, a description for the country in question of:

- the law related to the medical profession, such as access to the medical profession, illegal practice of medicine and control over the practice of medicine;
- the physician-patient relationship (the rights and duties of physicians and patients) and specific issues such as abortion and euthanasia; and,
- the national law dealing with the physician in relation to his colleagues, to other health care providers and the health care system.

An international monograph covers the World Health Organization in both its international and regional aspects. A Codex of International Medical Law and Ethics is also included. Forthcoming international monographs will cover international declarations on medical ethics such as the Declaration of Helsinki on Medical Experiments (1964) and the European Code of Medical Ethics.

**Medical Law** is the only publication in this field, analysing and describing theory and practice in a growing number of countries, including those at the fore-front of medical law and ethics.

Each monograph follows the outline below.

The Authors. Table of Contents. Preface. General Introduction. Selected Bibliography.

### **Part I: The Medical Profession.**

1. Access to the Medical Profession.
2. The Practice of Medicine.
3. Illegal Practice of Medicine.
4. Control over the Practice of Medicine.

### **Part II: The Physician-Patient Relationship.**

1. General Description.
2. The Physician-Patient Relationship in Specific Terms.
3. Specific Activities.

### **Part III: The Physician and the Health Care System.**

1. Collegial Relationships.
2. Relationship with Other Health Care Providers.
3. Relationship with Health Care Institutions.

### **Index.**

### **Current Contents**

FRONT MATTER: International Advisory Board; Encyclopaedias and Editors; Introducing the International Encyclopaedia of Laws; Curriculum Vitae of the General Editor.

GENERAL SECTION: Table of Contents; List of Contributors; Introducing the International Encyclopaedia of Medical Law; Curriculum Vitae of the Editor.

### INTERNATIONAL MONOGRAPHS:

**World Health Organization**, by G. L. Burci and C.-H. Vignes;

### CODEX:

**International Medical Law and Ethics: Texts and Documents**, by H. Nys and C. Trouet.

### NATIONAL MONOGRAPHS:

**Australia**, by Prof. Dr. D. R. C. Chalmers;

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## **Medical Law continued**

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International Encyclopaedia of Laws

## Migration Law

Editor: Prof. Dr. Dirk Vanheule

E-mail: [dirk.vanheule@ua.ac.be](mailto:dirk.vanheule@ua.ac.be)

The *International Encyclopaedia for Migration Law* deals with international and national rules on immigration and right of residence of non-nationals. It contains national monographs on the migration law applicable in each country. This information is completed by monographs on the legal instruments on migration law adopted by supranational, international and regional organisations.

The national monographs focus on the legal and administrative conditions for persons not having the citizenship of a State to enter this State, to stay on its territory for a short period or to obtain the right of residence for a longer period. Special attention will be paid to the status of specific categories of persons, such as students, researchers, temporary workers and asylum seekers, as well as to the position of the member of the family of immigrants. The monographs also contain practical information on the administrative procedures to be followed on order to obtain the right to enter and to reside in a State. They also deal with sanctions against persons not respecting these rules, including the possibility of expulsion. Furthermore, legal remedies and procedural guarantees are analysed. Finally, the national monographs describe rules on access to the labour market and to self-employed activities for non-nationals.

The monographs on supranational (EC), international (UN; ILO) and regional (Council of Europe; other regional agreements) legislation concentrate on the specific instruments adopted by the relevant organisations with a direct or indirect impact on the migration law of the Member States.

The *International Encyclopaedia for Migration Law* will be the only comprehensive and concise source of information on migration law in a great number of countries. It is addressed to major law firms and to immigration specialists both in public and private organisations (national immigration offices; human resources specialists in companies and organisations; non-governmental organisations).

The national monographs follow the outline below.

The Authors. Table of Contents. List of Abbreviations. Preface.

### General Introduction

- §1. Immigration history and statistical information
- §2. Overview of national legal instruments

- I. Historical overview
- II. Current applicable legislation
- §3. Overview of international legal instruments applicable in each country

### Selected bibliography

#### Part I : Border control and entrance

Chapter 1. Organisation of border control

Chapter 2. Right to enter the country

§1. Conditions for the right to enter

§2. Administrative procedures and documents

Chapter 3. Refusal of entry

#### Part II: Right of residence: General provisions

Chapter 1. Short stay

§1. Conditions for short stay

§2. Administrative procedures and documents

§3. Legal position

§4. Position of family members

Chapter 2. Residence

§1. Conditions for residence

§2. Administrative procedures and documents

§3. Legal position of residents

§4. Position of family members

Chapter 3. Long term residence

§1. Conditions for long term right of residence

§2. Administrative procedures and documents

§3. Legal position of long term residents

§4. Position of family members

#### Part III: Right of residence for special categories of persons

Chapter 1. Students

Chapter 2. Researchers

Chapter 3. Temporary workers

Chapter 4. Asylum

§1. Conditions

I. Refugee status

II. Subsidiary protection status

III. Humanitarian status

IV. Temporary protection status

V. Other

§2. Procedures

§3. Legal position

§4. Position of family members

Chapter 5. Non-accompanied minors

Chapter 6. Nationals with preferential treatment



International Encyclopaedia of Laws

## Migration Law continued

Chapter 7. Others

### **Part V Sanctions**

Chapter 1. Sanctions against attempt to illegally enter the territory

§1. Administrative sanctions

§2. Penal sanctions

§3. Detention

§4. Expulsion measures

Chapter 2. Sanctions against illegal stay or residence

§1. Administrative sanctions

§2. Penal sanctions

§3. Detention

§4. Expulsion measures

Chapter 3. Sanctions against persons helping illegal immigrants or residents

§1. Human smuggling

§2. Human trafficking

### **Part IV: Loss of right of residence**

Chapter 1. Conditions under which the right of residence might be lost

Chapter 2. Legal and administrative procedures

Chapter 3. Expulsion measures

### **Part VI: Legal remedies and procedural safeguards**

Chapter 1. Legal remedies in case of refusal of right to enter the territory

Chapter 2. Legal remedies in case of administrative decisions on the right to reside

Chapter 3. Legal remedies against expulsion measures

Chapter 4. Procedural safeguards

### **Part VII Access to the labour market**

Chapter 1. Overview of applicable legislation

Chapter 2. Conditions for entitlement to work in the country as an employed person

§1. General conditions

§2. Administrative rules and procedures

§3. Conditions for special categories of workers

Chapter 3 Sanctions against illegal participation in the labour market

§1. Sanctions against employers

§2. Sanctions against workers

Chapter 4 Legal remedies and procedural safeguards

**Index**

### **Current Contents**

**FRONT MATTER:** International Advisory Board; Encyclopaedias and Editors; Introducing the International Encyclopaedia of Laws; Curriculum Vitae of the General Editor.

**GENERAL SECTION:** Table of Contents; List of Contributors; Introducing the International Encyclopaedia of Migration Law; Curriculum Vitae of the Editor.

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International Encyclopaedia of Laws

## Private International Law

Editor: Prof. Bea Verschraegen

This is the first and only publication to provide comprehensive coverage of national laws on conflict of laws, now more commonly referred to as private international law. It presents country-by-country national monographs dealing with the statutes, regulations and case law each country applies to cases involving transnational issues in, e.g., business, family or inheritance law. It offers every lawyer dealing with questions of conflicts of laws much-needed access to the conflict rules of other countries, presented clearly and concisely by local experts. The looseleaf format allows the monographs to be kept regularly up to date.

Beginning with a general introduction to the private international law of the country concerned, each monograph goes on to discuss choice of law technique, sources of private international law, the relevant connection with the law of a country and the connecting factors, the rules of choice of law on natural and legal persons, contractual and non-contractual obligations, movable and immovable property, intangible property rights, company law, family law, marriage, cohabitation, registered partnerships, property, maintenance, child law, and succession law, including testamentary dispositions. Each national monograph concludes with an overview of the country's relevant civil procedure, examining *lex fori* and issues of national and international jurisdiction, acceptability and enforcement of foreign judgements, and international arbitration.

This subset of the *International Encyclopaedia of Laws* is an excellent guide for lawyers, judges, legal counsel, notaries public, marriage registrars, youth welfare officers, and local public authorities, as well as teachers, students, and legal researchers.

Each monograph follows the outline below.

The Author. List of Abbreviations. Introduction. General Introduction. Selected Bibliography.

### Part I. General Principles (Choice of Law Technique).

1. Sources of PIL.
2. Connection.
3. Basic Terms.

### Part II. Rules of Choice of Law.

1. Persons.
2. Obligations.
3. Law of Property.
4. Intangible Property Rights.
5. Company Law.
6. Family Law.
7. Succession Law.

E-mail: [bea.verschraegen@univie.ac.at](mailto:bea.verschraegen@univie.ac.at)

### Part III. Annex: International Civil Procedure.

1. Sources of ICP (National Law, International Conventions).
2. The Principle of *lex fori*.
3. National Jurisdiction.
4. International Jurisdiction.
5. Acceptability and Enforcement of Foreign Judgements.
6. International Arbitration.

### Index

### Current Contents:

FRONT MATTER: International Advisory Board; Encyclopaedias and Editors; Introducing the International Encyclopaedia of Laws; Curriculum Vitae of the General Editor

GENERAL SECTION: List of Contributors; Introducing the International Encyclopaedia of Private International Law; Curriculum Vitae of the Editor.

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International Encyclopaedia of Laws

## Property and Trust Law

Editor: Prof. Dr. Alain Verbeke

Editor: Prof. Dr. Vincent Sagaert

E-mail: [alain.verbeke@law.kuleuven.be](mailto:alain.verbeke@law.kuleuven.be)

E-mail: [vincent.sagaert@kuleuven-kortrijk.be](mailto:vincent.sagaert@kuleuven-kortrijk.be)

The **Property and Trust Law** volume of the *International Encyclopaedia of Laws* series deals with the diversity of rights and interests in all kinds of property and assets. Because property law has developed along completely different lines in the diverse legal families, this practical country-by-country analysis and guide takes a functional approach to the subject matter. The perception that legal solutions, concepts, terms and mechanisms vary, and may even seem at some points to be diametrically opposed, should not conceal the fact that such solutions are often functionally equivalent, in spite of their technical or conceptual differences.

This work primarily contains national monographs, based on a standard outline. Due to the tremendous differences in concepts and terminology used in different parts of the world, authors may adapt the structure of their texts to the specific and concrete aspects of their own systems.

In addition to national monographs, this work will also focus on international treaties and conventions related to property and trust law.

For each country covered the work provides the following:

Table of contents. List of Abbreviations. General Introduction. Selected Bibliography.

### Part I. Immovable Property and Real Property.

1. General Classification.
2. Legal Interests.
3. Equitable Interests.
4. Limited Interests.
5. Security Interests.
6. Joint Ownership.
7. Neighbourhood and Urban Problems.
8. Agrarian Problems.

### Part II. Movable Property and Personal Property/Chattels.

1. General Classification.
2. Legal Interests.
3. Equitable Interests.
4. Security Interests.

### Part III. Acquisition of Property Rights.

1. Transfer of Property by Contract Inter vivos.
2. Transfer of Property by Death.
3. Possession.
4. Accession.
5. Appropriation.
6. Expropriation.
7. Insolvency.

### Part IV. Trust and Fiduciary Mechanisms.

1. Administration of Property.
2. Security.

### Part V. Security.

1. Securities in Immovable Property.
2. Securities in Movable Property.

### Index.

### Current Contents

FRONT MATTER: International Advisory Board; Encyclopaedias and Editors; Introducing the International Encyclopaedia of Laws; Curriculum Vitae of the General Editor.

GENERAL SECTION: List of Contributors; Introducing the International Encyclopaedia of Property and Trust Law; Curriculum Vitae of the Editors.

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## Social Security Law

Editor: Prof. Dr. Willy van Eeckhoutte

Assistant: Ester Van Oostveldt

E-mail: [willy.vaneeckhoutte@bellaw.be](mailto:willy.vaneeckhoutte@bellaw.be)

E-mail: [ester.vanoostveldt@bellaw.be](mailto:ester.vanoostveldt@bellaw.be)

Social security is a major institution of all industrialized societies. Its purpose is to protect the population from serious health and financial risk; to achieve this goal, social security law regulates the relations between enterprises and other economic entities on the one hand, and families and individuals on the other. This regulation is typically accomplished through a complex network of public and private institutions operating under national law.

This set in the *International Encyclopaedia of Laws* provides profound information on the different social security schemes in the various countries. The basic ideas and mechanisms of each scheme are described in an easily comprehensible way. The legal mechanisms of the following areas of social protection are covered in each monograph: health care, employment injuries and occupational diseases, sickness benefits, pensions, unemployment and family benefits.

Due to the fact that a similar structure of text is used for every country, the main differences between the various national social security systems is clearly underlined. Law enforcements, controls and appeals receive special attention.

A group of international monographs explains the role of international organizations in setting norms for social security systems and in coordinating existing systems in cases involving migrant workers and others to whom more than one national scheme may be applicable. An international social security law codex provides the main international texts, in English, that regulate social security. The most relevant cases from the ECJ are also included

The monograph is regularly updated with experts in the field of social security law providing theoretical and practical information concerning the various systems. The general background of the system is described in order to give the practitioner or legal scholar the necessary background to understand the differences between the systems and the developments and evolutions of each social security system.

For each country or organization covered the work provides:

List of Abbreviations. Preface. General Introduction. Selected Bibliography.

### Part I: The Institutions.

1. Public Institutions.
2. Position and Competence of the Public Institutions.
3. Private Institutions.

### Part II: Contribution and Financing.

1. Contribution Regulation for Employees.
2. Contributions for Public Sector Workers.
3. Contributions for the Self-Employed.
4. Other Contributions.
5. Government Funding.

### Part III: Health Care.

1. Field of Application.
2. Benefits.
3. Conditions.

### Part IV: Family Allowances.

1. Field of Application.
2. Dependent Children.
3. Amount of the Benefit.
4. Payment.

### Part V: Incapacity to Work.

1. Field of Application.
2. Benefits.
3. Certification of Incapacity to Work.
4. Benefits.
5. Conditions.
6. Accumulation Rules.

### Part VI: Industrial Accidents and Occupational Diseases.

1. Field of Application.
2. Concept of 'Industrial Accident'.
3. Concept of 'Occupational Disease'.
4. Medical Care.
5. Incapacity to Work.
6. Death.
7. Prevention of Occupational Diseases.
8. Supplementary Benefits.
9. No-Fault Insurance.
10. Civil Liability.
11. Accumulation Rules.

### Part VII: Unemployment.

1. Provision of Work.
2. Unemployment Benefit.



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International Encyclopaedia of Laws

## Social Security Law continued

### Part VIII: Pensions.

1. Pensions for Wage-Earners.
2. Pensions for the Self-Employed.
3. Guaranteed Income for Old Persons.

### Part IX: Handicapped Persons.

1. Social Integration.
2. Financial Allowances for the Handicapped.

### Part X: Minimum Income Benefit.

1. Beneficiaries.
2. Conditions.
3. Amount of the Benefit.
4. Claim and Administration.
5. Reclaiming of Benefits Paid.

### Part XI: Claims and Adjudication.

1. Claims.
2. Adjudication.

### Index.

### Current Contents

FRONT MATTER: International Advisory Board; Encyclopaedias and Editors; Introducing the International Encyclopaedia of Laws; Curriculum Vitae of the General Editor.

GENERAL SECTION: List of Contributors; Introducing the International Encyclopaedia of Social Security Law; Curriculum Vitae of the Editor.

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**Council of Europe**, by Dr. S. G. Nagel and Prof. F. Kessler;

**European Union**, by Dr. F. Pennings;

**International Labour Organization**, by Dr. H. G. Bartolomei De La Cruz.

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International Encyclopaedia of Laws

## Sports Law

Editor: Prof. Dr. Frank Hendrickx

E-mail: [frank.hendrickx@law.kuleuven.be](mailto:frank.hendrickx@law.kuleuven.be)

Sport performs many important functions in society, such as educational, public health, social, cultural and recreational functions. Sport is a rapidly growing area in economic terms and gains importance in generating employment, trade and commerce. World-wide, the sports sector engages millions of people either in sport clubs, as amateur or professional athletes and players, as spectators or otherwise.

The regulation of sports increasingly takes place at the international level, not only within the framework of organisations like e.g. IOC, but also in governmental organisations like the United Nations or the European Union. Indeed, sports law is developing on a global scale, which increases the interest in comparison and mutual learning. Sports law is therefore gaining a growing relevance in international and comparative law.

While many legal rules in the area of sports law exist, there are almost no general and all-encompassing scientific studies on this subject and it remains difficult for both academics, practitioners (like sporters, sports organisations, sports lawyers) and policy makers to have access to and gain insight in sports law on the international scene as well as at the various national levels.

The *International Encyclopaedia of Sports Law* would, therefore, fill up an existing gap in the legal profession and the legal science related to the world of sports and constitutes an indispensable tool for sports organisations and policy makers around the world.

**Sports Law** encompasses both autonomous as well as state-created rules regarding the variety of economic, social, commercial, cultural and political aspects of sports activities. This regulation may take the form of autonomous self-regulation, e.g. by national and international associations of sport. These private regulations or by-laws, including organisational, disciplinary rules as well as rules of play, constitute the so-called 'lex sportiva'.

However, the trend towards more professionalism in sport and the growing economic, social and cultural relevance of sport have prompted an increasing reliance on legal rules adopted by the public authorities. These regulations include for example criminal law, labour law, commercial law, tax law and so on, which may vary following a particular type or sector of sport.

The structure of the **Sports Law** is basically built up around two parts: monographs and documents. The documentary section provides the most relevant legal materials of an international concern in the area of sports.

The monographs are structured per country, region or organisation. In the national monographs, attention will be paid to the distinction between public regulation (laws and regulation from governmental or public authorities) and private regulation (regulation and by-laws from sports organisations).

Each monograph is divided into five main sections. The following table of contents is used:

The Author. Table of contents. List of abbreviations. Preface. Introduction. Selected Bibliography.

**Part I. Organisation of Sport.**

1. General issues.
2. Public regulation
3. Private regulation.

**Part II. Sport and Status.**

1. General issues.
2. Public regulation.
3. Private regulation.

**Part III. Doping and Sport.**

1. General issues.
2. Public regulation.
3. Private regulation.

**Part IV. Sport and commerce.**

1. General issues.
2. Public regulation.
3. Private regulation.

**Part V. Documents.**

**Index.**



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## Sports Law continued

### Current Contents:

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**GENERAL SECTION:** List of Contributors; Introducing the International Encyclopaedia of Sports Law; Curriculum Vitae of the Editor. Sports Law International Advisory Board.

### DOCUMENTS:

**Part 1. Public Organisations. I.A. United Nations. I.B. Council of Europe:** 1. Legislation. 2. Policy Documents. 3. Case Law: A. European Court of Human Rights. B. European Commission of Human Rights. **I.C. European Union:** 1. Legislation. 2. Policy Documents. 3. Case Law: A. European Court of Justice. B. European Court of First Instance. C. European Commission.

**Part 2. Private Organizations.**

### NATIONAL MONOGRAPHS

**Australia**, by Prof. A. Gibson;

**Bulgaria**, by Mr. B. Kolev;

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International Encyclopaedia of Laws

## Tort Law

Editor: Prof. Dr. Sophie Stijns

E-mail: [sophie.stijns@law.kuleuven.be](mailto:sophie.stijns@law.kuleuven.be)

In an international encyclopedia, a proper place is definitely to be devoted to the Law on Tort. This legal area is important for lawyer and citizen alike. The problems of prevention of harm and loss allocation are not only extremely diverse but also universal and fundamental. This traditional branch of law not only tackles questions which concern every lawyer, whatever is his legal expertise, but it also concerns on a worldwide scale each person's most fundamental rights, such as his right to bodily integrity, his right to a manworthy existence and his property rights. The way a legal system protects rights and interests through, among others, tort law co-determines the degree of civilisation and the development of a given society.

However, no matter how fundamental tort issues may be, it is striking how the solutions offered in one system can be very different and sometimes quite diverse from those in another. There are basic differences in approach between the legal systems and the dividing line does not always match the classic divide between the countries of the Civil Law tradition and those belonging to the Common Law tradition.

In the General Introduction, particular attention will be paid to the aims of the law of Torts and to the distinction between tort and crime and to the relationship between tort and contract (is concurrence between tortious liability and contractual responsibility permitted or not? what about precontractual liability?). For each country, the scope of protection will be tackled as well (are all interests equally protected?).

The monograph is then divided into six Parts: Liability for One's Own Act; Liability for Acts of Others; Forms of Strict Liability; Defenses and Exemption Clauses; Causation; Remedies. Each Part in its turn is divided into Chapters. Thus, the first part devotes a chapter to Specific Cases of Liability, such as professional liability and liability of public bodies, abuse of rights and injury to reputation and privacy. The authors may feel free to add other specific cases which are peculiar to their legal system.

Each monograph follows the outline below:

The Author. Table of Contents. List of Abbreviations. General Introduction. Selected Bibliography

### **Part I. Liability for One's Own Acts.**

1. General Principles.
2. Specific Cases of Liability (are all tort feasons subject to the same rules).

### **Part II. Liability for Acts of Others.**

1. Vicarious Liability.
2. Liability of Parents, Teachers and Instructors.
3. Liability for Handicapped Persons.
4. Liability for Things and Animals.

### **Part III. Forms of Strict Liability.**

1. Road and Traffic Accidents.
2. Product Liability.
3. Liability for Service.
4. Environmental Liability.
5. Others.

### **Part IV. Defenses and Exception Clauses.**

1. Limitation of Action (suspension and interruption).
2. Grounds of Justification.
3. Contributory Fault.
4. Exemption Clauses.

### **Part V. Causation.**

### **Part VI. Remedies.**

1. General Principles.
2. Kinds of Damages.
3. Assessment and Compensation of Damages.
4. Personal Injury and Death.
5. Various Damages (property).
6. Interference with Collateral Benefits.
7. Other Remedies.

### **Index**

### **Current Contents**

FRONT MATTER: International Advisory Board; Encyclopaedias and Editors; Introducing the International Encyclopaedia of Laws; Curriculum Vitae of the General Editor.

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International Encyclopaedia of Laws

## Transport Law

Editor: Prof. Dr. Marc Huybrechts

Editor: Prof. Dr. Eric Van Hooydonk

E-mail: [m.huybrechts@elegis.be](mailto:m.huybrechts@elegis.be) & [youbelx@telenet.be](mailto:youbelx@telenet.be)

E-mail: [eric.vanhooydonk@ugent.be](mailto:eric.vanhooydonk@ugent.be)

The national monographs in this subset of the *International Encyclopaedia of Laws* deal with transport law in its broadest sense: jurisdiction, state immunity, and the main sources of transport law. With reference to maritime law, the reader will find information on the legal status of the vessel, its acquisition, ownership and registration. Other topics discussed are maritime liens and mortgages, the position of master and crew, liability and limitation of liability (LLMC Convention 1976), charter parties and Transport under Bill of Lading (Hague-Visby Rules), transport by air (Montreal Convention and related conventions), transport by rail (C.O.T.I.F. Convention) and inland navigation. A special chapter is devoted to Multimodal Transport. Finally, European Union competition law in the field of transport is discussed.

International monographs address marine pollution, salvage, the Hamburg rules, the UN Convention on Multimodal Transport, the Limitation of Liability for Maritime Claims (the L.L.M.C. 1976 Convention), and the roles of the International Maritime Organization (I.M.O.), the Comité Maritime International (C.M.I.), and BIMCO.

Each monograph follows the outline below.

The Authors. Table of Contents. List of Abbreviations. Preface. General Introduction. Selected Bibliography.

### Part I: Introduction.

1. Definitions and Notions.
2. Main Sources of Transport Law.
3. Jurisdiction and Courts.
4. State Immunity and Transport Law.
5. Transport Intermediaries.

### Part II: Maritime Law.

1. The Vessel.
2. Maritime Liens and Mortgages.
3. Master and Crew.
4. Liability and Limitation of Liability in Maritime Law.
5. Charter Parties.
6. Transport Under Bill of Lading.
7. Piloting.
8. Towing and Pushing Contract.
9. Salvage and Assistance.

10. General Average.
11. Particular Average.
12. Collisions.
13. Marine Pollution.
14. The Arrest of Ships.
15. Carriage of Passengers.

### Part III: Other Transport.

1. Transport by Road.
2. Transportation by Rail.
3. Inland Navigation.
4. Air Transport.
5. Multimodal Transportation.

### Index.

### Current Contents

FRONT MATTER: International Advisory Board; Encyclopaedias and Editors; Introducing the International Encyclopaedia of Laws; Curriculum Vitae of the General Editor

GENERAL SECTION: List of Contributors; Introducing the International Encyclopaedia of Transport Law; Curriculum Vitae of the Editor.

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**Argentina**, by Dr. J. D. Ray;

**Australia**, by Prof. J. Livermore;

**Austria**, by Dr. P. Csoklich and Dr. H. Jesser;

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## Forthcoming Encyclopaedias

International Encyclopaedia of Laws

### Competition Law

Editor: Prof. Dr. Francesco Denozza

Editor: Prof. Dr. Alberto Toffoletto

E-mail: [francesco.denoza@nctm.it](mailto:francesco.denoza@nctm.it)

E-mail: [alberto.toffoletto@nctm.it](mailto:alberto.toffoletto@nctm.it)

The law of competition has become increasingly important in the last decades, while markets have overcome national and continental boundaries and many economic sectors tend to concentrate towards oligopoly structures. Moreover, the international dimension of many industries often requires commercial lawyers to consider the antitrust implications of deals and M&A operations in several jurisdictions at the same time.

The International Encyclopaedia on Competition Law aims at providing an in-depth description of the antitrust laws of more than 30 Countries, including the U.S. Federal Acts and the legislation of the European Community. Each monography will include a description of the substantial as well as the procedural rules of a particular jurisdiction and will provide a description of the leading cases, together with an essential bibliography.

The national monographs follow the outline below.

#### GENERAL INTRODUCTION

1. General Background of the Country
2. The Economic System
3. The Legal System
4. Historical Background of Antitrust Law

#### Part I. The structure of antitrust law and its enforcement

##### SOURCES OF ANTITRUST LAW

1. National Sources
2. International Sources
3. Secondary Sources
  - a. Regulations
  - b. Guidelines
4. Sources' Relation and Hierarchy
5. Role and authority of precedents

##### SCOPE OF APPLICATION

1. Territorial reach
2. Special Sectors
3. State owned Enterprises and Public Utilities
4. Sensible Effect and De Minimis

##### OVERVIEW OF SUBSTANTIVE PROVISIONS

1. Restrictive Agreements
2. Dominant Undertakings
3. Concentrations

4. Other prohibitions
5. Tests of illegality
  - a. Per se prohibitions and naked restraints
  - b. Balancing tests
  - c. Merger tests

##### OVERVIEW OF MAIN NOTIONS

1. Undertaking
2. Relevant Market
3. Market Power/Dominant Position
4. Agreements and concerted practices
5. Restriction of competition
6. Monopolisation and abuse of dominance
7. Concentrations
8. Joint Ventures

##### CONSEQUENCES OF VIOLATIONS AND ENFORCEMENT INSTITUTIONS

1. Administrative Enforcement
    - a. The Antitrust Authorities
      - i. Formation, composition
      - ii. Investigating powers
      - iii. Adjudicating powers (ascertaining and sanctioning)
    - iv. Other institutional tasks (Consultancy to Parliament/Government)
  - b. Government direct enforcement activities
  - c. Other Administrative Agencies applying antitrust rules
  - d. Administrative fines
  - e. Administrative injunctions and other restrictive orders
  - f. Interim measures
2. Civil Enforcement
  - a. Competent Civil Courts
  - b. Sanctions
    - i. Nullity
    - ii. Damages
  - iii. Interim measures
3. Criminal Enforcement
  - a. Criminal sanctions for antitrust violations
  - b. Other application of Criminal Law to relevant conducts
  - c. Role of Prosecutors



## Competition Law continued

d. Competent Criminal Courts

### Part II. The application of the prohibitions

#### RESTRICTIVE AGREEMENTS

1. Horizontal agreements
  - a. Cartels
    - i. Price fixing
    - ii. Market/client allocation
    - iii. Production/innovation limitation
    - iv. Group boycott
    - v. Collusion on other objects
  - b. Information exchange practices
  - c. Cooperation agreements
    - i. Research and development
    - ii. Specialisation
    - iii. Standardisation
    - iv. Joint production
    - v. Joint purchasing
    - vi. Joint selling
  2. Vertical agreements
    - a. Distribution
      - i. Exclusive distributorship
      - ii. Exclusive dealing
      - iii. Selective distribution
      - iv. Franchising
    - b. Technology licencing
      - i. Patent licencing
      - ii. Trademark licencing
      - iii. Know how and trade secret licencing

#### DOMINANT UNDERTAKINGS' PROHIBITED PRACTICES

1. Exploitative practices
  - a. Excessive/unfair pricing
  - b. Discrimination
2. Exclusionary practices
  - a. Predation
  - b. Tying
  - c. Rebates
  - d. Refusal to deal
  - e. Price squeeze

#### CONCENTRATIONS

1. Horizontal mergers
2. Vertical mergers
3. Market/product extension mergers
4. Pure Conglomerate mergers
5. Joint ventures

### Part III. Administrative procedure

#### ADMINISTRATIVE INVESTIGATIONS BEFORE THE ANTITRUST AUTHORITY

1. Initiative
  - a. General sectors inquiries
  - b. Ex Officio investigations
  - c. Complaints
2. Powers
  - a. Requests for information
  - b. Investigating and search powers
  - c. Cooperation with other State Institutions
3. Right of defence
  - a. Content and notification of opening decisions
  - b. The proceedings: hearings, access to file, briefs
  - c. Statement of Objections
  - d. Final Hearing and Decision

#### VOLUNTARY NOTIFICATIONS AND CLEARANCE DECISIONS

#### MERGER CONTROL

1. Preliminary filing obligations
  - a. Criteria and thresholds
  - b. Turnover calculation
  - c. Market share calculation
  - d. Other relevant notions
2. Structure of proceedings
  - a. Preliminary assessment and full investigation
  - b. Time framework
  - c. Right of defence
3. Clearance and conditional clearance
  - a. Conditions and undertakings
    - i. Content
    - ii. Timing
  4. Relations with other merger control authorities
    - a. Other authorities within the local Jurisdiction
    - b. International coordination

#### CHALLENGING OF THE ADMINISTRATIVE DECISION

1. Competent Courts
2. Time limits
3. Scope of Judicial Review



## Forthcoming Encyclopaedias

International Encyclopaedia of Laws

### Religion Law

Editor: Prof. Dr. Rik Torfs

E-mail: [rik.torfs@law.kuleuven.be](mailto:rik.torfs@law.kuleuven.be)

In the growing international discussion on diversity and multiculturalism, religion plays an increasing and overwhelming role. A lot has been written on religion, but an overall standard work in the form of an Encyclopaedia is lacking, namely systematic information how each State deals with religion, the role it plays or can play in society, the status of the church involved, of the clergy, school, culture and media... So, an Encyclopaedia on religious law, would really fill a gap as it would have a world wide coverage. At the same time, next to national monographs, there will be regional and international monographs concerning the place and role of religion in international treaties, as a universal human right and so on. The Encyclopaedia would also contain monograph describing and giving an in depth picture of the most important religions like Christianity, Protestantism, Islam, Buddhism.

Each monograph follows the outline below.

The Authors. Table of Contents. List of Abbreviations. Preface.

#### **General Introduction**

§1 General Background of the Country

§2 Social Facts about Religion

§3 Historical Background

Selected Bibliography

#### **Part I: Legal Framework and Sources**

Chapter I: Constitutional Position of Religion

Chapter II: Other legislation with Regard tot Religion

Chapter III: Typology of the System

#### **Part II: Religious Freedom in General**

Chapter I: Individual Religious Freedom

Chapter II: Collective Religious Freedom

Chapter III: Organisational Religious Freedom

#### **Part III: Legal Status of Religious Communities**

Chapter I: Formal Status of Religious Communities

Chapter II: Autonomy of Religious Communities

Chapter III: Fundamental Rights and Religious Communities

Chapter IV: Contractual Religious Freedom

#### **Part IV: International, Transnational, Regional Effects on Religious Communities**

Chapter I: International Law Effects on Religious Communities

Chapter II: Transnational Law Effects on Religious Communities

Chapter III: Regional Law Effects on Religious Communities

#### **Part V: Religion and Politics**

Chapter I: Religion Influence in Politics

Chapter II: Political Influence in Religion

Chapter III: Interaction Between Religion and State on a Political and Legal Level

#### **Part VI: Labour Law within Religious Communities**

Chapter I: Scope of Application of Labour Law

Chapter II: Religious Ministers and Labour Law

Chapter III: Other Church Employees and Labour Law

#### **Part VII: Religious Communities and Protections of the Individual**

Chapter I: Protection of Privacy

Chapter II: Freedom to Marry

Chapter III: Freedom of Expression

Chapter IV: Due Process Norms and Religious Groups

Chapter V: Professional Secrecy

Chapter VI: Medical Deontology

Chapter VII: Non-Discrimination

Chapter VIII: Penal Law and Religion

#### **Part VIII: Church Financing**

Chapter I: Direct Financing of Religious Communities

Chapter II: Indirect Financing of Religious Communities

#### **Part IX: Education**

Chapter I: Religious Education in Public and Private Schools

Chapter II: Religious Schools

#### **Part X: Matrimonial and Family Law**

Chapter I: Legal Position of Religious Marriage

Chapter II: Legal Position of Religious Family Law

#### **Part XI: Religion and Culture**

Chapter I: Religion and Art

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Chapter III: Religion and Civil Society

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